

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

### **Claim Status**

Claims 1, 2, 4, 6, 9-23, 33-38, 42-47, and 51-72 are currently pending.

Claim 1 was amended to reflect that the active ingredient in applicants invention is the non-alpha tocopherol. Support for this amendment may be found in the specification, for example, on page 8, lines 5-6; page 9, lines 8-9; page 10, lines 5-6; page 11, lines 13-16.

Claim 11 was amended to remove the term ischemia for ischemic condition for consistency.

Applicants submit that no new matter has been added by this amendment. Applicants request entry of this amendment.

### **Amendment is proper under 37 CFR §41.33 and 37 CFR §1.116(b)(2)**

Applicants submit that this amendment is proper in that it places the claims in better condition for consideration on appeal. Applicants again request their entry.

### **Conclusion**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to

Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date NOV. 9, 2005

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